The Iowa Blind History Archive
History of Blindness in Iowa - Oral History Project
Interview with [Name]
Conducted by [Name]
[Date]
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James Gashel
Greg Mathis, Shan Sasser,
5-20-2011

In the beginning Greg Mathis and Shan Sasser are discussing some technicalities before Jim Gashel is on the phone line.

Jim Gashel: Hello.

Greg Mathis: Hello.

Gashel: Yes, this is Jim Gashel.

Mathis: Hi Jim, this is Greg Mathis. I have…I'll let everybody else introduce themselves.

Shan Sasser: Jim, this is Shan Sasser and I work at the Iowa Department for the Blind and I guess my role in this is, why I'm here is I wrote the grant to undertake some of these historical research projects.

Gashel: Oh, okay.

Meredith Ferguson: And, I'm Meredith Ferguson the intern at the Department for the Blind. I've been hired to help out with the project.

Karen Keninger: And I, Jim, am Karen Keninger.

Gashel: Hi!

Keninger: And, I'm just here for the ride.

Gashel: Okay.

Mathis: Well, can everybody hear each other okay?

Sasser: Yes.

Gashel: Yes.

Mathis: Well, thanks again for agreeing to do this. We really appreciate it. And, I'll just give you a quick summary, again, since everybody's on the phone what's going on. Shan had previously worked on a National register of historic places nomination for the Iowa Commission for the Blind building in Des Moines and it was listed, two years ago. I believe it was correct for its significance within the state of Iowa. And, the National Parks Service came back and said that we really might think it might be nationally significant for its association with Dr. Jernigan, and so could you please take a closer look at it. And so, Shan hired me to help her with that project. So, I'm an actual historian; so I've written a number of nominations. And so, that's… My job is really to help put together the national contacts and then to kind of frame that national contributions of him to society. So, we submitted a draft nomination to the Historic Preservation Office. And, they're the ones that usually review it before it goes on to the National Park Service in D.C. And, they had a couple comments; they were concerned that a lot of what we had included was taken more from publications written by other authors. And, part of the reason why I originally did that was because one of the comments from the Park Service was that they wanted to have a wider look at things. But, the comment we were getting back from the SHPO was that they wanted more first-hand type of account for this, and so we did some initial research at the NFB in Baltimore and didn't find a lot of helpful materials. Part of the problem is that their archives aren't…some things aren't really well organized. But, we did find a lot and so the other request is

that we maybe do an interview or two to help really get a better understanding of what was going on and what he was doing; how he made things happen that we could actually go back and elaborate on that and say here's exactly what he did, and here are the benefits to the blind based on his efforts. So, that's the context within which we're working right now. And, before I go any further, I guess, do you have any other questions before we start asking you questions?

Gashel: I don't think I have any questions.

Mathis: Okay, well I think what we're going to do then is, I have a number of questions. Shan also has prepared a number of questions. And, I'll go first and if Shan wants to jump in she will, to kind of elaborate, she will. The first thing we want to get a better understanding of is tell us a little bit about your relationship with Dr. Jernigan and how you worked together, and your experiences together, and the period that you worked together.

Gashel: Okay, well the first time I met Dr. Jernigan in any significant way was about a week after graduating from high school. I went to the Iowa Braille and Sight Saving School which is the state school for the blind in Iowa. And, I graduated from there in late May of 1964. And, then a week later, two weeks later I guess it was, met Dr. Jernigan. I was planning to enroll at what's now the University of Northern Iowa in the fall and I was working with a counselor at the Commission for the Blind and needed to have an interview with Dr. Jernigan for getting admitted there to the Center. So, I went to Des Moines and we had our get acquainted session there and that was all good. And so, it

was set up that I would go into the Center there in Des Moines in August, which I did do. And, then I was actually a student there from August of 1964 until September of 1965. I probably exceeded the average time; I guess I was a slower learner than most. And, then went off to UNI. Well, that was, of course, that was as a blind person, as a client of the Iowa Commission for the Blind. I didn't, during that period, have anything to do, with one exception which I'll cover here in a second, with anything that was going on beyond my own training, let's say. And, the exception being that in the summer of 1965 at Dr. Jernigan's urging and others there attended the national convention of the National Federation of the Blind in Washington D.C. in 1965. And, at that point the lights came on as far as you know, boy, this is a whole lot bigger than Iowa because well it was, you know, without trying to sound arrogant about it or anything like that. I mean, it was obvious that there was a movement of blind people out there, but it was also obvious that those of us from Iowa stood out as better able to, well just in the ability to travel around and just more independent self confidence self assured, and so forth; which was what the National Federation of the Blind aspired to promote. But, the training capabilities weren't there for the people coming from other states. They were for us, so it was just amazing to see the difference. I don't think you see so much of that difference anymore because I think that the level of training improved to a considerable degree since then; it should have and I think it has, and so most of the people I see now at national events have the level of capability; just the observed capability that you would have seen in 1965 in the part of the people coming from Iowa.

Just a very simple example, and I know it's hard to kind of understand the detail level, but we used to have the National Federation of the Blind conventions; if you wanted to go somewhere the rule was you stood up and a boy scout would approach you and they would be your guide to take you somewhere. I don't remember when we got rid of that practice, but you can stand up all day long and there isn't going to be a boy scout anywhere within fifty miles of you probably because we just don't…there isn't the need to do that. It wasn't a bad rule. I mean, people needed help just navigating from one place to another in a big unfamiliar surrounding with a whole lot of people around, and so forth. But, that practice was abandoned over the years many, many years ago I can't even remember when but probably 1970s, early 1970s I'm sure. And, I think what that indicates is that the model that was started in Iowa penetrated the National Federation of the Blind, and to some extent, other training programs throughout the country.

Just a simple example, and just to carry that out just a little bit more, there are lots of people who were trained at the Iowa program back in the 1960s, myself and others included, who spread out around the country and have done things to contribute to using that model that existed there throughout the rest of the country. So, Dr. Jernigan trained up a whole bunch of leaders who have gone around the country and promoted, you know, the kind of program that we were doing. And, that was his goal that…Dr. Jernigan had worked before he came to Iowa in the capacity of the Director of the Orientation Adjustment Center in California in Oakland, California. And, in 1958, or before that time just shortly before he came to Iowa, he and Dr. tenBroek, who was president of the National Federation of the Blind at that

time, were trying to figure out how do you take the philosophy of the National Federation of the Blind, which really provides self respect and dignity and first-class citizenship, and all those thoughts for blind people; and all the confidence that we have as exhibited through the Iowa program through the years.

15:00

Gashel: Well, how do you take that and make it national? The Oakland Center in California did that to some degree with Dr. Jernigan there, and Allen Jenkins was the Director at the time and, of course, Dr. tenBroek was in Berkley. So, that was a focal point for this kind of training. Today we kind of put a name on it called "structured discovery," which I guess applies to the mobility side of it, but in many ways that's what the program is. We can talk about that in just a second, but anyway, to go on just a little bit further.

And, Dr. Jernigan was considering running for Congress somewhere, finding a place in the country where there would be a seat that he might conceivably win and then get into the Congress and use…you know…He would be the only blind person serving in the Congress. And, he was quite a capable politician; he would be able to take our views and thoughts about blindness and to try to work those into laws that would promote greater opportunities. Well, that was one option that was considered, not pursued, since then he had an accidental meeting, really, with one of the members of the Iowa Commission for the Blind, which was maybe a three-member board I think at that time, on an airplane. And, she talked to him, and they were looking for a Director. Iowa was, like, last among the 48 states in their

rehabilitation of blind people at that time. And, he looked at the opportunity. They had a couple of rooms and a run down state office building; no training facility; just a few staff members. And, the signs on their doors in the offices weren't even Commission for the Blind. I think they were some other state agency that had abandoned the state, or the building. The Liquor Control Commission was in the same building, I think I recall reading. And, I was at that point and time, of course, a student at Iowa Braille and Sight Saving School. So, I didn't live through any of this but just to give you a little of the history that I have that Dr. Jernigan gave me, and, of course, through reading, too. Well, he figured, you know, the only direction you have to go here is up. But, remember this is all part of what you're asking about the national picture not just Iowa. So, the whole purpose in going to Iowa was it provided an opportunity to expand, to prove up what was being said by the National Federation of the Blind that could be done in regard to rehabilitation of blind people.

And so, rather than trying something which was a little bit more far afield, run for Congress and then see if you could do something from that base; take over a state agency. Well, Iowa was perfect for it because it was at the bottom of the heap and they didn't have much of an agency. And, you could go in there and actually build something. And, you probably have the history of basically how he staged a takeover of the YMCA and converted it to the excellent facility that it is today. Well by the time I got there, which was 1964, it was certainly...well through that conversion it's done more since, of course, but it was still recognizable somewhat as the old YMCA, too. Now, I don't

think you'd even know it as a YMCA, but it was in 1964. Well, he…turning back to the national theme.

So, with students such as myself, Dr. Jernigan certainly encouraged looking beyond Iowa, and so made it possible for us to go to events outside of Iowa. So, I remember, for example as a student and then later as an employee, we used to go visit some of the surrounding states, their training facilities. I remember very well going to the Chicago Light House for the Blind and seeing these people that had worked there for 30 years and were getting, you know, 50 cents an hour or whatever it was in the 1960s, but very low wages. And, well, that place is not that way anymore and I attribute it to the exposure to a different philosophy. It's a very respectable training and rehabilitation facility and only tangentially has what we used to call a sheltered workshop; but it isn't really doesn't have all the negatives of a sheltered workshop. It does have an employment center, which does still employ some people, but agencies like Chicago changed over the years because of exposure to the different kind of program Dr. Jernigan created in Iowa. And, you can name them state after state after state where that has happened. But, it all started in Iowa for some reason, and I don't really know why it didn't catch on like that in California. Well, I mean, I'm speculating. But, Dr. Jernigan didn't have the same level of responsibility or ability to promote the program throughout the state that he did in Iowa, so he really couldn't become the focal point for the change. It was a very respectable center in Oakland, but it was not of the prominence that the Iowa Commission for the Blind became.

In 1968, I think it was probably 1968, and you guys may have the historical record on this, but Harold Russell, who

was chairman at that time of a federal government agency, called the President's Committee on Employment of the Handicapped; that's now been since folded into the Department of Labor in Washington and doesn't really exist in the form it did then. But, anyway, Harold Russell presented Dr. Jernigan with a Presidential citation from Lyndon Johnson and said when he did, that if a person has to be blind its better to be blind in Iowa than in any other place in the nation or the world. And, that's almost a direct quote, I think. And so, well it shows the recognition of the Iowa program under Dr. Jernigan's leadership that went well beyond the state of Iowa. When I was there as a student we had a steady stream of visitors who were blind, people who would come from…I remember one lady from India, Fatima Shah. And, I know there were others. It was always, we had one or two or three people from other nations who were coming to observe and actually to receive some training themselves at the Iowa program. Anyway, I don't know if all that background is helpful, but those are the things that when I was a student there that made my focus beyond what was just going on in Iowa.

Mathis: Okay, that's fantastic! I'm going to jump around a little bit because you made a couple of comments I want to just elaborate on quick before we proceed. You'd mentioned how he kind of encouraged people to spread out around the country. And, did he just encourage people, everybody, to do that or was he really trying to select people to be leaders and then help them find chief positions around the country?

Gashel: Well he certainly did do the ladder and then some of it of course just happened as people move. But he certainly

did do the ladder. One of my colleagues when I was a student was Mervin Flonder. Merv became, well, I guess he was blind much of his life. Merv was, but he went to law school in Iowa and became the County Attorney for Braymer County, Iowa. And, then somehow, perhaps lost more vision, I think. And so, he decided that he needed training so he became a student at the Iowa Commission for the Blind. Well, Merv was a pretty capable guy, and so when he got to the point of being done as a student just about the time I did, maybe a little after, I know that Dr. Jernigan helped him working, I guess, with the Nevada affiliate of the National Federation of the Blind…helped Merv obtain the job at the Nevada agency. So, Merv became the Director of the Nevada Services for the Blind and, you know, I don't want to represent that Merv was able credibly to improve the Nevada program, because he really wasn't, but there are undoubtedly lots of reasons for that you don't even have to get into the point, is that Dr. Jernigan was looking for ways to, and people to go out and to work in other states to improve their programs. Other examples of that, well, I know that he went during the time I was a student actually to South Carolina; he was asked to testify in the legislature there and that led to the creation of the South Carolina Commission for the Blind in the 1960s. I think around 1967 maybe as late as 1968 that that agency was created and still exists, I think, in the form that it was created in the 1960s there. Dr. Jernigan also worked with Idaho in the 1960s, again, with the National Federation of the Blind of Idaho.

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Gashel: And, an Iowa former student at the Commission for the Blind named Ken Hopkins; and Ken Hopkins became the Director of the Idaho Commission for the Blind. Idaho didn't have well organized services for the blind and then they created a Commission for the Blind on the model from Iowa back then, and Ken Hopkins became the Director. And, Ken later went on to become the Director of the agency in the state of Washington that was developed on the same model. So, Dr. Jernigan certainly found various people to go around the country. In my case, he asked me to go to Washington D.C. to become the chief of the Washington office of the National Federation of the Blind. The person who had that position was getting older and not able to be in the office as much as we needed, and that was John Nagel. John had served the NFB very well for a number of years in the Washington office. He was hired by Dr. tenBroek and didn't really, I mean, again, it was a transition. And, John was an excellent spokesman and just a wonderful guy; he didn't really exhibit the level of independence and ability of blind people that we wanted to show. And, when it came time that ne needed to retire, Dr. Jernigan was looking for an Iowa person I think to…not exclusively an Iowa person undoubtedly but, of course, he knew us and so he was reaching out to his students to send us other places. You know, I don't know whether he started with me, but he got to me and I went out there and did it.

Mathis: Okay, great. And, I want to just jump ahead a little bit at this point and what we're trying to figure out is just…I want to next talk about some of the stuff that was going on in D.C. and Dr. Jernigan's involvement as far as getting people there for some of the advocacy efforts and marches.

Also, his influence on some of the policies, as far as what was he doing as far as getting people to lobby, or directing you, or to actually work with politicians. So, could you maybe just talk about, first of all, as far as organizing some of the marches and stuff; was that annual event his idea or did that come from somebody else?

Gashel: Well, I think it originated with Dr. Jernigan. The first time that we had a group coming to Washington in an organized way, I don't think it would be appropriate to use the word lobby; the laws at that time didn't let a non-profit organization lobby. That didn't mean that people couldn't talk to the Congress, and today we would probably call it lobbying. And, the National Federation of the Blind does register as a lobbying organization; falls within the laws that let you do that. But, I'm just making a distinction when you use the word lobby, back at that time, the laws were somewhat different. But, we certainly made our views known to the Congress.

Well, I think the distinction here between what we had been doing earlier was we counted on John Nagle to carry the water for the nation. (Laughter) And, obviously, it was a different time. In part, you could do that to a greater degree. But, by 1973, by the fall of 1973, Dr. Jernigan figured out that what you really need to do was to get blind people from communities around the country to assemble in Washington and meet with their Senators and Representatives; and so we did that. That was in October of 1973, and there was one major concern that we had at that time.

The federal government was putting money into an accreditation process of blind services that excluded blind

people from involvement in the development of the standards and in their application to agencies. And, through this accreditation process they were rewarding, I mean, rewarding in the sense of providing a seal of approval for antiquated services. And, a wonderful program like the Iowa Commission for the Blind would never be approved because they didn't meet a number of these ridiculous standards and didn't want to meet them. I mean, it wasn't a question of whether they weren't up to standard; they were above standard. But, they were a non-conformist leadership agency and the accreditation, called the National Accreditation Council for Agencies Serving the Blind and Visually Handicapped, well that usually referred to with three letters NAC. That agency was pulling the blindness field backward. It was basically a maneuver of self preservation for agencies that didn't deserve to be preserved and they were getting funded by the federal government. So, for that first event that was one of Dr. Jernigan's focuses, and in fact, he pulled together about an inch thick of material regarding NAC that was presented to members of the Congress by the group that went. And, you know, by today's standards, it was…I'm not sure how many people were there, probably 80 or 100. Today, when we do Washington events it will be more like 5 or 600 people and every single state represented, and so forth. But, it all started with that October of 1973.

Well, when I got there in January of 1974, you know, we carried on the tradition year after year. It, of course, is different issues all the time, but it all started with Dr. Jernigan's efforts then and along during the years when he was president of the National Federation and out of Iowa. And, of course, and he…up until 1986 when Mark Maurer was

elected president of the NFB, Dr. Jernigan would always conduct the opening meetings of that particular event. I think we might have used in the early years the term, "March on Washington." (Laughter) I mean, civil rights and marches, rallies and such like were more in vogue at that time. You had the civil rights march, Martin Luther King event in August of 1964; and all that kind of thing. Today, we refer to this as the, "Washington Seminar," which is a little bit more genteel and modern day term. And, in point of fact, we don't March. And, you know, it's visiting in Congressional offices and putting forward your point of view. We did march certainly and Dr. Jernigan started that, not in Washington, but at various points in the country. And, again, centered around this resistance to the accreditation process.

There was a serious battle going on for leadership of blind services. The National Federation of the Blind was, you know, with the Iowa model being regarded more and more by blind people for sure as leading a new direction for the blindness field. And, the agencies that were pretty well entrenched, not so much state agencies, although certainly a good bit but more private agencies. I mentioned Chicago Light House and some others, you know. But, Minneapolis Society for the Blind stood out as one of the repressive programs. You know, some sheltered work…Cincinnati, Ohio can't remember what it was called, Cincinnati Association for the Blind, Houston Light House [and similar agencies in] New York. Well, they had the Light house, but they had Jewish Guild for the Blind also. Alright; just to name a few. All these agencies stood out as very backward, but they would get the Aunt Jemima, you know, seal of approval from the National Accreditation Council and it

would make them untouchable in their local communities. And, Dr. Jernigan knew that this was just wrong.

So, in 1972 at the National Federation of the Blind convention and he was President. And, he declared on the floor of the convention that wherever they met we would hunt them down and we would protest, and basically drive them out of existence. Well, we did, in fact, start to do that; and, basically, we accomplished driving them out of existence. They may exist as a corporate entity yet, but they have basically zero impact on blind services and programs like the Iowa Commission for the Blind are looked to, you know, as the respectable model agencies in the field; and everybody would like to be like them. And, I've already said that the approach that we used has even come to have a name now; it's called, "structured discovery." And, once you get a name in the profession, and then you also get a body of literature and studies, and so forth, to support the outcomes; you know, then everybody starts to kind of follow. And, I don't want to say that there isn't still a certain amount of pulling and tugging; there is in any profession you get different views.

45:00

Gashel: But, I do think that the approaches that Dr. Jernigan advocated for are the field of blindness has come around to understanding that that's the direction they need to pursue.

Mathis: Okay, great. Want to just get one quick clarification real quick on this and then I'll move on to the next question. You said that he led those opening events in D.C. Was that

really just him saying, here's why we're here and here's what we want to push and this is what we want you to do? Was that kind of what those sessions were, or was it more just thanking everybody for being there and wishing them good luck, so to speak?

Gashel: Oh, no. He was…Dr. Jernigan was basically the general in charge. He didn't make a cameo appearance or anything like that. No, that wasn't his style anyway. But, you know, he was very much the Martin Luther King of the blindness movement. He's the first one to use the term, "movement." You know, most of us probably didn't think of what we had as a movement, but Dr. Jernigan did. So, our first major march, if you want to do a thing on marches, our first major big one was in New York in 1973. And, we staged this at the time of the convention of the National Federation of the Blind. And, we had 2000 people who marched from the Statler-Hilton Hotel near Pen Station and over to, what was it, 59 [Correction: 79] Madison Avenue. I don't remember the exact address. But, NAC had an office; National Accreditation Council had an office on Madison Avenue.

Well, we got a permit to take over the street. We had 2000 people out there. Dr. Jernigan was out there with a bull horn and led the group and we did a…we had a coffin and we buried NAC that day. And, I'm sure Dr. Jernigan came up with the coffin idea. The NFB still has the coffin, by the way. When we moved out of Iowa and went to Baltimore we shipped the coffin out to Baltimore with, loaded up with long, white canes. So, it was a great box to haul the canes in. But, it was a, you know, theatrical event in Mid-town Manhattan complete with all the trappings of

a…in fact, we actually had Carlton Peterson. His wife was working in the library at the Iowa Commission. And so, Kim Peterson and her husband, Carlton Peterson, was a funeral director in Des Moines. And so, Dr. Jernigan tasked him with, you know, getting all the things that would make this thing look like a funeral, and that's what we did.

Well, that was the first march. We had others wherever NAC met. They took to meeting at hotels near airports, so they weren't very visible to anybody and it would be harder to get to. I remember in Minneapolis when we held the convention there in, I think it was 1980. There was a major issue at that time about them denying seats on their boards for blind people. And, they were at one of these accredited agencies, so we took the convention over to protest at the Minneapolis Society for the Blind. That's a very much different agency now than it was then. So, there were marches like that and again Dr. Jernigan led all those. I don't think public protest events are as much in vogue in this country as they were back in those days. And so, in later years, you know, we haven't necessarily used that technique; but they certainly were back then. And, Dr. Jernigan was the leader of the efforts.

Mathis: And so, did he really model a lot of this on the civil rights movement that African Americans used when they were pushing for the Civil Rights Act?

Gashel: Well, yeah he did. In fact, I remember observing him in a press interview in New York at one of our conventions. We had a convention in New York in 1973, as I said. It was either Chicago the year before or New York. I can't remember which one; I think it was the New York one.

But, he was at a press interview and he used the term, "emerging minority." "The blind are an emerging minority." He's the first person that I ever heard refer to us as a minority. And, you know, it was true Iowa had the first, I'm pretty sure this is a true statement, what we call the, "Model White Cane Law," enacted by the state legislature in, I think 1966; it could have been 1967. Well, this was a model that the NFB had drafted. The term white cane is deceptive because, yeah, the law does deal with recognizing the white cane and traffic requirements relative to that. You're supposed to stop, and so forth. But, tacked into this law, and Dr. tenBroek wrote it, tacked into this law are a bunch of very far reaching civil rights provisions. Well, Iowa was the first one to adopt that in the country because Dr. Jernigan was very strong in the state and then, of course, other states followed suit at his urging and direction.

And, then Iowa also adopted, a year or so later, and I think, again, was certainly one of the first states to amend their regular human rights or civil rights statute to include disability under that state law. Again, with Dr. Jernigan's leadership, the National Federation of the Blind in 1972 successfully advocated in the Congress to include a civil rights provision, which is actually little known. It's to a very considerable degree superseded by laws that were passed since, that have a broader impact. But, it's Section 904 of the Education Amendments of 1972. Now, Title 9 of the Education Amendments of 1972 is known for requiring equal opportunity for, let's put it this way, you can't discriminate against anybody on the basis of sex in education programs. So, it's the thing that has promoted access to athletic activities, and so forth, for girls and women in elementary and secondary and higher education programs, and so forth.

But, tucked away, actually the final section of that law that was passed in 1972 is Section 904, which required admission of blind people, didn't say anything about any other disability, blind people into courses of study in colleges or universities. It did not require any form of accommodation for the blindness, but it did, it was an admissions requirement. And, I think Dr. Jernigan did not emphasize the need for accommodation. His view was that you let us in and we can figure out how to get on in the world; what we need is the door broken down. So, that law was passed. And, that was certainly, you know, thanks to his leadership. And, I attribute it to, you know, all that kind of stuff really started in Iowa, and then we started to take it all over the country.

Mathis: I'd like to just stop here for a moment. We're closing in on an hour. I'm not sure if this conference call will shut us off. If it does, I can set up another one real quick and email. It should be the same log in if that's the case. But, the other question I have is we'd like to start asking, I think, about his involvement in some of these other national laws that were approved. But, I want to know, first of all, do you have enough time to continue on for a little while?

Gashel: I can go ahead.

Mathis: Okay, great! Okay, and if we get cut off I'll set up a conference call and shoot you out an email just in case. So, but let's go ahead and proceed then. So, I think the first thing we want to just talk about is the Vocational Rehabilitation Act of 1973. And, wanted to know kind of

what his involvement was in getting some of those sections approved. I've read that he…you guys relied on him to really testify on behalf of some of this legislation. But, I've wanted to know, kind of, what your role was in some of those earlier incarnations of some of the law that did make it through. What you guys were doing, and then also the lobbying effort, and then what Dr. Jernigan was doing specifically to direct or draft some of those policies?

Gashel: Okay. Well, first of all understand that Dr. Jernigan's focus in, well, let's put it this way. In the time period 19, I'm going to say '71, '72, leading up to 1973, the rehabilitation, Vocational Rehabilitation program was…its authorization was somewhat tenuous. By law, it is authorized or reauthorized every few years. And, the Nixon administration vetoed a couple of bills that the Congress passed that those vetoes were overridden by…I mean, were not overridden by, and I'm not conversant with the reasons why they vetoed it. They had a strong view that the services…

1:00:00

Gashel: That Vocational Rehabilitation should not be a categorical program to the extent that it was. This was a very significant issue in the early 1970s, and Dr. Jernigan actually made a speech about categorical programs. I believe that speech was given at the NFB convention in 1970 in Minneapolis and, like, "Services for the Blind, Why and Where?" It's a speech that I'm sure is in the Federation's literature. And, it might be, it was undoubtedly published in the Braille Monitor. It's worth looking at in this

context because he stood out as a strong advocate for, you can use the term, "categorical services." Well, that's what the Iowa Commission for the Blind is and he was promoting all round the country that kind of model; Idaho, Washington State, South Carolina are examples that I gave you. And, you know, I remember one line of that speech where he talked about, you know, these states have gone mad. They'll begin to create the Department of Health and Highways just because both terms begin with "H," but health doesn't have a thing to do with highways, and vice versa. And, you know, just because you have a program for the blind doesn't mean it should be a part of the Department of Human Services or anything like that. Well, we were fighting that effort at the federal level, too, and that's what was going on in the tug of war during the Nixon administration over the Vocational Rehabilitation program.

Well, by 1973, Nixon was kind of disabled politically and the Congress prevailed enacting a law that really preserved the categorical emphasis on programs. And, in fact, blindness is the only program that is allowed to exist as a categorical program within the Vocational Rehabilitation structure. I would say that Dr. Jernigan's emphasis, and I am not a hundred percent sure I believe that he testified; certainly John Nagle testified in the hearings leading up to the enactment of the Rehabilitation Amendments of 1973, called the Rehabilitation Act of 1973. John Nagle did, I expect. I'm almost certain John Taylor, who was Dr. Jernigan's Field Operations [Director] in Iowa, testified. And, John Taylor was really a, you know, regarded certainly among the blind and generally beyond that, beyond in the field of blindness, as a really solid expert in Vocational Rehabilitation. So, John Taylor did some of the testimony;

but whether John Taylor did or Kenneth Jernigan did, it really wouldn't matter; it would be the direction that Dr. Jernigan wanted to advocate; and so, the two of them for sure [worked together on this at that time]. I was not involved; I was back in Iowa as an employee at the Iowa Commission for the Blind at the time in the Orientation Center. So, I didn't personally, I mean, I would only read reports about what was going on in Washington pertaining to the Rehabilitation Act, but their focus had to do with the preservation of the Vocational Rehabilitation program as a categorical program, and also getting the share.

The federal share increased, and I'm hazy on the numbers now, but in the 1973 amendments there were increases. So, the federal government started to pay more and more and more for the program. It's up around 78 almost 80 percent now. So, that's paid for by the federal government and that was certainly a point of Dr. Jernigan's emphasis; to distinguish that from the civil rights provisions of that law. They actually snuck in, and I don't think you could attribute Dr. Jernigan with getting any civil rights provisions included in the Rehabilitation act of 1973. That was not his focus at that time, as distinct from the 1972 amendment that I mentioned. Section 904 the Education amendments; that certainly was, I think, and that enactment had an impact. It got people thinking that we should include something in the Rehabilitation Act. What Dr. Jernigan would have liked to have done more than that, more than say getting a provision like Section 504 in the Rehabilitation Act, which that happened; that was the last section of the law and it was snuck in late at night in the Senate. But, you can't credit Dr. Jernigan with, you know, lobbying or doing anything relative to that except setting the pattern. But,

what he would have liked to have accomplished, back at that time more than Section 504 of the Rehabilitation Act, was to get the various provisions of the Civil Rights Act amended, because his thinking was, we should not have separate civil rights laws, you know, for the blind or for the disabled. So, he really would rather have had the focus on integrating our civil rights provisions into the laws that apply to other minorities.

Mathis: Okay, so after that was approved then was he satisfied with it or was he still wanting to get the Civil Rights Act amended?

Gashel: We still wanted to get the Civil Rights Act amended and we worked at that. He definitely was concerned that disability civil rights should not allow or should not emphasize separate programs and services. And now, understand that Section 504 of the Rehabilitation Act, well, at that time it was one sentence, I think it still is; it may be two. They added federal government coverage and some other things, but in its original enactment it was one sentence. So, you ended up with a very extensive regulation making process in the 1970s. The actual regulations to implement Section 504, and at that time, that was really the only federal civil rights law. So, there was a lot done by the Office for Civil Rights of the Department of Health Education and Welfare; that was the leadership agency at that point in time. And, they basically had to create a legislative history as the underpinning for regulations because there was none. There was only this one little sentence tucked in at the end of the Rehabilitation Act and the question was, well, what does it mean? It said no program or activity shall

discriminate on the basis…no individual with a handicap shall be discriminated against by any program or activity receiving federal financial assistance. That's a quote of the law. And so, the question was, well, what does that mean? Well, one of the biggest issues that Dr. Jernigan was concerned about as this process was going forward, and he was directing me. And, because, by that time I was working in Washington and he was, you know, the person I reported to because he was President of the National Federation of the Blind…was to get provisions into those regulations which would assure that we would not…well, that we would be eligible, encouraged to participate in the programs or activities that were available to anyone else, rather than having separate programs and services.

Mathis: You've been talking a lot about the Vocational Rehab. Act and just…I want to ask a little bit broader question about, as we move forward a couple of our questions. How did or how much latitude, I guess, did you have when you're working in Washington, or did Dr. Jernigan really say here's what we're going to do and this is what I want you to lobby for, or did you have some latitude? And, what was that working relationship like?

Gashel: Well, first of all, when, you know, when you're working for the National Federation of the Blind, you're working for the President of the National Federation of the Blind. So, whatever he would tell me needed to be done, that's the direction I needed to pursue. And, of course he's accountable to the membership of the National Federation of the Blind. So, you know, there's a pecking order here. I didn't run the thing, and so I mean at one level you could say

I had zero latitude now, [but] you know, Dr. Jernigan is [was] very smart about gathering information and advice and what do you think should need to be done. How would you approach this? And so, you know, he wasn't making decisions or giving direction in a vacuum. So, I would describe the actual relationship as more collegial than the first part implies. You know, I had a responsible position and he often would say to me, "I'm paying you to think not just to do something." So, I certainly had responsibility, but I wasn't just a loan wolf to go off and figure out, well what's good for the blind today? So, you know, I would be working in that context. Let's just step back just a little bit.

This effort that I'm about to describe started before I got to Washington, but it's the first piece of legislation that I worked on when I went to Washington. So, it was part of the transition and I certainly picked up with work that Dr. Jernigan had done before I got there. Randolph Sheppard Act of 1974, when it became law in December of 1974. But, the effort to upgrade and improve the Randolph Sheppard Act, this is a law that provides priority for blind people to operate vending facilities on federal property. The effort to modernize that law started as far back as 1968. And, I remember Dr. Jernigan and John Taylor working with a group of other agencies, of state agencies, and organizations in putting together, you know, proposals that were brought forward before the Congress for amendments to the Randolph Sheppard Act Senator Randolph. Jennings Randolph, of West Virginia, was one of the original co-authors of that act in 1936 and was still in the Congress in 1968. He had been out of the Congress for a little while, but he was in the Senate by this time, and so he was very dedicated to trying to improve that law. The opportunities

for the blind on the federal property were diminishing and there was increasing competition from other kinds of businesses. And so, at that time what was called a preference, was getting to the point where it didn't mean very much, and so the law needed to be brought up to date and improved. And, everybody from the blindness field was on board with doing this. I think Dr. Jernigan's unique contribution to this effort, which became law, was advocacy on behalf of the blind vendors to create a process for resolving grievances that would arise with the state agency.

Now, when he went to Iowa one of the things he did with their program there, and it probably still exists this way, is to set up a system whereby if any blind person that was a vendor in their…ran one of their Randolph Shepherd facilities, if they had a grievance with the Commission, there would be an arbitration process that would be used to evaluate and rule on this grievance and the blind person got to appoint one member of a three-member panel. The agency would appoint another, the Commission for the Blind, would appoint another member, and then those two members would appoint a third person who would be the neutral third party. It's really quite interesting that in all of the time that Dr. Jernigan had that process in affect in Iowa when he was there, there was not one grievance that ever was pursued under that law. I think people felt that they got a fair deal out of the Commission for the Blind, and so there wasn't one grievance that was ever used under that, but the process existed for a very fair resolution of disputes. Well, he insisted that process be made federal in the Randolph Sheppard Amendment[s], what became the Randolph Shepherd Amendment[s] of 1974, and that's the law today. And, the process is used, and it works very, very well. When

I got to Washington, of course, then I picked that effort up and that was one of the major things.

There was one other major focus, well, that Dr. Jernigan was associated with in the Randolph Sheppard Amendment[s], and that was cafeterias. You see, the emphasis of that law had been on having vending stands in almost…like in Iowa, vending stand in the post Office, and a blind person would have a card table with some candy bars and gum and news papers, cigarettes and stuff like that. That's the old image of the blind vendor. Dr. Jernigan changed that image in Iowa, and there was a certain amount of controversy around that. The Randolph Shepherd Act in the 1960s did not provide for cafeterias, for blind people to have any opportunities to operate cafeterias. It just wasn't recognized as applying to cafeterias; the term was vending stand and vending stand was defined in such a way that it clearly didn't include cafeterias. Well, Iowa was the first…Dr. Jernigan insisted…they were building the Federal Building on First and Second, and Lucas, yeah…something like that, at that time. And, Dr. Jernigan insisted that there would be a cafeteria run by the Commission for the Blind in that building; probably still is one. And, Randolph Shepherd Act didn't provide for it. He had quite a razzle dazzle.

I remember reading in the minutes of the Iowa Commission for the Blind. I was not involved in that; I was off being a student at the University of Northern Iowa, and this was in the mid 1960s. But, Dr. Jernigan took this all the way to the head of the General Services Administration in Washington, working through John Nagle as the chief of the Washington office of the National Federation of the Blind. And, what they ended up with was they originally called that a manually operated snack bar, you know, rather than a

cafeteria. And, that was kind of an example of Dr. Jernigan's creativity. I mean, he could figure out another term that would bring it under the egis of the Randolph Shepherd program. And, they agreed to that. And, the Commission for the Blind got that and it was one of the first, if not the first cafeterias, operated by a blind person under the Randolph Sheppard Act. Well, in the 19, well it became the 1974 Amendment[s], we got a reasonably good cafeteria provision in there and I actually worked on that. I don't believe that provision, well, I know that provision was not in the bill as I started working on it in 1974, and Dr. Jernigan wanted to be sure that we covered that. And so, that was one of my initial tasks in negotiating the, you know, what we had to have in the 1974 amendments, was a cafeteria provision; and it's in there today. And, today blind people run huge, huge businesses under this law; military troop dining facilities. There's a lot of controversy over it because there's money to be made there, but it all started with the Federal Building in Des Moines Iowa.

Mathis: Great! And, then could you maybe just talk a little bit about the Fair Labor Standard Act as well?

Gashel: Well, sure. It was a long time effort of the National Federation of the Blind to change the Fair Labor Standards Act. Section 14C of the Fair Labor Standards Act provides an exemption [from the minimum wage which applies to blind and disabled workers], and we don't think that there should be an exemption. So, one of my responsibilities was to try, so far unsuccessfully, to get that exemption eliminated. In point of fact, you know, the instances in which it is used now are down to a handful because the

agencies have responded to the pressure of the Iowa program; and, the others that have been developed out of it, to the point where it's become more or less unacceptable to have a sub-minimum wage.

We never did in Iowa. There were no sheltered workshops for the blind, and it's just become unacceptable as matter of policy. Most everywhere, I mean, there are exceptions, but they're down to a relatively few; but, the law still does exist. It was modified in the 1980s to provide a grievance procedure. It just doesn't work very well. The workshops have really full control over the record keeping and such to support what they're doing, and so, anyway, it doesn't work very well.

1:30:00

Gashel: Dr. Jernigan's thinking was absent being able to change that. What we needed to do was to provide opportunities for blind people to organize and bargain collectively. So, that gets you into the National Labor Relations Act. We certainly have had more success with that. So, he actually kind of tasked Jim Omvig with this effort, because Jim Omvig had worked as an attorney for the National [Labor] Relations Board; and Jim was then working at the Iowa Commission for the Blind in the mid 1970s. And so, Dr. Jernigan gave him the task of leading the effort to organize some sheltered workshops and see if we could test and change the position of the National Labor Relations Board; relating to collective bargaining, and then get the minimum wage that way. Well, that was pretty successful, so Jim started out with the Chicago Light house and Dr. Jernigan actually hired some legal council then from

Baltimore. Later on, the later 1970s, Bert Bisgyer was, I think, the lead attorney on that. And so, Bert went around the country working with Jim Omvig and Richard Edlund from Kansas. And, they were kind of our team to work with labor unions, the teamsters mainly.

And, as I remember it in Chicago, though, it was the Communications Workers of America, and they organized. There was a case, then before the National Labor Relations Board involving the Chicago Light House for the Blind. And, we successfully won the principle that the workers at the Chicago Light house for the Blind could vote as to whether or not they wanted to be represented by a labor union. That was followed by the workers at the Cincinnati Association for the Blind petitioning the National Labor Relations Board, and same at the Houston Light house. And, in all those cases the National Labor Relations Board departed from its previous precedent of taking jurisdiction over sheltered workshops, and decided that these places are just factories in the normal tradition, and should be regarded as industries and not rehabilitation facilities. And, they took jurisdiction, and the workers voted for labor unions and had contracts and it was a very non-traditional sort of thing. Well, again it was that crew that Dr. Jernigan put together that would, you know, make that happen. They were far more successful at that than we were in the Congress in getting the Fair Labor Standards Act changed.

Mathis: Okay. And, I was wondering if you could just maybe just…my last main question I want to ask, and I'm sure Shan has a few more, is just ask a little bit if you could elaborate on some of his efforts to influence the amendments to the Social Security Act.

Gashel: Yeah, okay. Well, Dr. Jernigan was, and again, let's just say particularly in this area, he was picking up from initiatives that Dr. tenBroek started. In Social Security the Disability Insurance program was started in 1956 and well basically didn't allow anybody to earn any money. If you were going to get disability benefits, well, that was it. Either you were going to get disability benefits or you were going to work, and if you worked you weren't considered to be disabled. You could be blind, but you're not considered to be disabled. Well, beginning in 1960 and throughout the 1960s, the National federation of the Blind advocated very strongly in the Congress for changes in that, basically toward the goal of not having any limit on income. I mean income has nothing what-so-ever to do with the fact that you're blind; you're still blind and Social Security is not a needs-based program. I mean you can earn if you're retired. You're retired and there's no limit on income. There was at that time.

So, you know, it was kind of mixed in a way. But, the limit on income was certainly higher than it was on Disability. So, anyway, but the point the National Federation of the Blind was making is, well, if you're blind, you're blind by definition and that should be enough that you are awarded benefits under the Social Security Act. Well, the Congress looked at that question over the years with John Nagle's leadership and Dr. tenBroek in the early stages. And, then later Dr. Jernigan was passing amendments [Correction: working to have amendments passed] which helped, to some degree, to move in that direction; but we've never gotten to the full point. Well, Dr. Jernigan wrote a very important article on this subject called, "Disability

Insurance," or, "Why Disability Insurance for the Blind," and, again, that article would be found in the NFB literature. And, it was a very fundamental piece, well reasoned about why this change should be made in the law.

When I got to Washington in 1974, well, let's just step back a couple of paces. When I was in Iowa working at the Commission for the Blind and John Nagle, of course, was chief of the Washington office, Dr. Jernigan was sending out letters, oh, probably weekly they came out from the Berkley office of the NFB. But, they were to all state presidents, and I'm not sure the scope of the entire list. I think he had a list called the "A list," which was certainly state presidents and probably some others that would receive these letters. And, he was doing what we would refer to these days as grassroots lobbying. I mean, he was whooping up the troops around this particular legislation. And, there were always bills in the Congress to eliminate the limit on earnings for blind people under Social Security. And, as this effort continued in the late 1960s, early 1970s, I mean, it was attracting support from wow, I mean, basically a majority of the House of Representatives; amendments were being passed at that point. Social Security came up for review in the Congress more often than it does now because there was no automatic cost of living increase. And so, the Congress, about every year or so, would just be compelled to consider, were they going to increase the cost of living for benefits paid to seniors. So, there were opportunities to jump in and to try to amend the Social Security Act.

Well, seven times the Senate passed the legislation that I was describing, to remove the limitation on earnings in the case of blind people. The House never agreed to do that, but they kept coming back with very modest, but none the

less, important changes. One of them that passed in 1967 was to define blindness; that was really important and it was the model of definition used in other laws. And, Dr. Jernigan was quite instrumental in crafting, you know, this definition of blindness. The definition that's used in the Randolph Sheppard Act and lots of other laws; [also became the definition of blindness used in the Social Security Act as well as] the Internal Revenue Code as an example of what defines blindness. So, we got that written into the Social Security Act. That basically eliminated the objectivity of whether or not...I mean the subjectivity of whether or not a person is blind and made it an objective determination. Basically, you are either blind or you're not blind and that's true by medical evidence. Well, every single blind person benefits from that change, because otherwise Social Security would have the right to determine...they could say maybe you don't see very well, but you have the ability to work, which is what they were doing. And so, by defining blindness we got that subjectivity out of it entirely. It was a huge, important change; seems small in words, but huge in terms of eliminating their discretion to deny benefits. And, then there were other important changes made over the years, but never, never increasing the amount you could earn, and Dr. Jernigan was very much involved in this.

When I went to Washington, he made it clear to me that one of my tasks was to get changes made in the Social Security Program, along the lines of what we're talking about here, and that I was to pick up and make that happen. Well, I went there in 1974 and got really the first opportunity to do this in 1977. The Social Security Program was in dyer financial circumstances at that time, and by 1980 or '82 was projected to become insolvent. So, they had to pass a bill to

keep the system financed. And so, in the context of that, Dr. Jernigan wanted me to get some amendments in that was going to, you know, by the budget office, was going to cost money. So, it was a nice challenge and we got the amendment passed in the Senate again to eliminate the limit on earnings for the blind. It wasn't necessarily all that easy, but it wasn't necessarily all that hard either. Senator Humphrey, from Minnesota, became the big proponent of it and made that happen in 1977. It's one of the last things he was able to do. And, then when we got to the House, and I'm skipping some things that occurred in the fall of 1977, but we were successful in getting the House conferees on the bill to vote to do one important thing; and it was all the Republican conferees and two Democrats.

1:45:00

Gashel: And, that gave us a majority of the House conferees. And, that was to create…to identify or to create the same earnings limit for blind people that seniors retiring at age 65 had, because the point being that blindness was defined and so is retirement age. And so, they justified linking those two. And, disability is more complex to define, and so they left that to regulations of the Social Security Administration. Well, of course, it was a big boost for us; it wasn't ultimately what we wanted to achieve but it was a big boost. As an example, today if you're blind you can earn close to $1700 a month, $1680, I think. And, if you're disabled it's more like about $850 or $900 a month. Back at that time, it was, you know, fifty bucks or something like that, and then it became two hundred. Well, the blind were separated from that and so in 1978 the first year that law

applied, the blind went from two hundred to $334 a month, and then it went up in mandated increases for five years; and then according to the increase in the taxable wage base year after year after year. So, automatically the limit on earnings for blind people goes up every year, but the limit on disability, for people with disabilities other than blindness, does not go up; only periodically when the Social Security Administration decided[s] that it should be increased. But, with blind it goes up, except, I think in the last two years it has not, because the taxable wage base hasn't increased; but as long as the taxable wage base increases, then they have to compute what the increase should be for blind people. So, we've never achieved the elimination on earnings, the elimination of the limit on earnings, but we certainly have achieved a much more objective approach and a more realistic, if still not acceptable, earnings limit. And, Dr. Jernigan was clearly the major proponent of making that happen. I mean, he and I felt the same way; we weren't thrilled about the outcome in 1977, but that's all we were going to get at that time, and so that's the way it is.

Mathis: Okay. And, then was he actively engaged in lobbying at all, or is that really all delegated to you?

Gashel: Well, that was my responsibility. I would say that the role that he played more than anything, and this was primarily maybe before I got to Washington, although certainly some after as well. You know, he was the leader of the National Federation of the Blind, so his focus was on rallying the membership, maybe more than mine was. And, then my responsibility was to make our presentations to the Congress. I mean, I think Dr. Jernigan's point of view was if

I'm going to do that, then why do I need you? So, I had the responsibility, but its no less. It's not my personal choice to do that again, it's under his direction. If he was going to do it he wouldn't need me to do it.

Mathis: And, then does he mostly single-handedly set these agendas, or is this coming out of the membership, or is it NFB?

Gashel: Well, Dr. Jernigan believed in strong leadership of the National Federation of the Blind, but it would never be right to say single-handedly, because the National Federation of the Blind is a movement; is an organization. The President is accountable to the membership. The President is accountable to the convention. The constitution of the National Federation of the Blind says that the convention is the supreme authority of the Federation. Dr. Jernigan wrote that constitution, not single handedly, but he was chairman of the committee that wrote that constitution, and the current version. It's been amended slightly since then, but he was chairman of that, and we adopted the current version of the National Federation of the Blind constitution in Minneapolis in 1970. And, he was chairman of the committee when that started, and then by that time, he was also President of the Federation when it was presented. Well, okay, so he respected the authority of the membership, the authority of the convention, and the authority of the Board of Directors. But, the National Federation of the Blind is not an organization that has to wait around for somebody else to make a move. Dr. Jernigan would come before the convention or the board or, well, those would be the two options, and present what he

thought. He wasn't afraid to take action in the absence of a position by either of those bodies, but he wouldn't take an action that was in contravention of something that they said they wanted to do.

And so, he was always very careful to make sure that there was a leadership consensus for anything we were going to do. And, ultimately he knew…well first of all he had to stand for election by the convention every two years. He could be thrown out any time, and ultimately he knew that he was accountable to the membership for anything that was done; and that is sort of the pact between the President and the membership. But, we expect the President to act, not to just sit around and think and wonder, well, what should I do?

Mathis: Right, okay. Okay. Well, I think that helps a lot. And, I got one real quick question and I'll turn it all over to Shan. You talked a lot about blindness as a movement and you've also talked about civil rights. How do you think, from your perspective, and also from his, were his contributions more as a civil rights activist, or trying to create a social movement? Or is it something completely different?

Gashel: Well, maybe it's a blend. Dr. Jernigan, if we're going to use the term civil rights advocate, we have to balance that by the fact that he had a strong view about individual or personal, or even group ability. So, I think he felt that, you know, you couldn't just advocate for rights without also advocating for responsibility. He used to say back in Iowa, "There would come a time when we shouldn't have to have the Randolph Sheppard Act," meaning the preference for blind people to run businesses; that the only

way you could justify that was the fact that we were downtrodden in terms of employment and you needed a program to demonstrate the employment capabilities of the blind. But, if you got to the point where we had achieved equality in employment, you should get rid of any program that looked like Affirmative Action. If you want to read a presentation on this subject, it would be the 1997 banquet speech at the National Federation of the Blind convention. That would be in New Orleans. And, you should read it because it gives you an understanding of what his thinking was in regard to the question you're asking, civil rights versus social movement.

I think Dr. Jernigan was uncomfortable with having the National Federation of the Blind as a traditional civil rights movement, because of the liberal cast that was given to those organizations; more along the lines of the victim mentality. Dr. Jernigan did not believe that blind people are victims, and he really believed that, you know, we need to have barriers removed but we also need to take responsibility for getting on in the world. And, he expresses that in that speech better than anything else you could read, I think.

Mathis: Okay, great. Okay, well thank you. And, then I'm going to turn it over to Shan because I think she has a couple more questions.

Sasser: Yeah, most of the questions I had were pretty well covered. But, I was just curious. You mentioned Senator Humphrey as a supporter. I wonder if there were other Senators or Representatives that you could reliably turn to as supporters of NFB activities or views.

Gashel: Sure, Senator Hartke, of Indiana stands out; James Berk of Massachusetts stands out; John Culver from Iowa; Senator Grassley was a personal friend of Dr. Jernigan's and clearly a supporter of his, but never really took leadership on anything; always very approachable but not someone who you could go to and you'd be sure they were going to do what you'd hope to do. Jennings Randolph, certainly, Senator from West Virginia, was.

2:00:00

Gashel: And, oh, why am I blanking on the name from Arizona. Actually, McCain took his seat…blanking on the name. And, then of more recent times Chris Dodd of Connecticut. Now, some of the other ones that I mentioned, Dr. Jernigan knew them, and I know that Chuck Grassley…well there were several, actually, at the time that Dr. Jernigan's death, you know, had speeches in the Congressional record, and so forth.

Oh, I'm trying to think now of Maryland Congressman…one that Dr. Jernigan really helped to mentor in the House; Represents Baltimore, Elijah Cummings, a black Congressman from…I don't know if he's chairman of the black caucus in the House now, but he still serves in the House. And, of course, Dr. Jernigan had an association with Elijah Cummings after he got to Baltimore. And, Elijah Cummings is a great friend. Dr. Jernigan had him come to the National Federation of the Blind [convention], I believe it was in, oh, late 1980s early 1990s to speak. And, Elijah will say, and I've heard him say, that he would not be in the Congress were it not for Dr. Jernigan's encouragement and

helping him believe that he could advance to that office. He was a member of the General Assembly in Maryland. And, I think Dr. Jernigan got acquainted with him in that context and saw that he had promise, and things came together right, and Elijah was elected to the Congress. But, I've heard him say that were it not for Dr. Jernigan, that he wouldn't have proceeded to try to be in the Congress.

Sasser: That's great. I guess I don't want to call them opponents, but were there sort of people who were in the Congress that maybe were a particular thorn in the side of getting some things done?

Gashel: Yeah, you know, it's hard to...people don't, with the blind, they don't just necessarily stand up and...it's not like some other social issues where they get all exercised on one side or the other of an issue. The one that I can think of most that would come down into that category is, actually he's not in the Congress anymore, but would be Jim Bunning of Kentucky. He was serving in the House. He later became a Senator and was less involved. And, there were times when he would act like he was kind of friendly to us but we're talking here about Dr. Jernigan's interaction. I very distinctly remember one meeting where Dr. Jernigan and I went to meet with Jim Bunning; it was in the 19, oh, 1996, 199...well, it could have been as early as 1994 or '5; not '94 probably 1995. The Republicans came out in the fall with...this was the Newt Gingrich initiative called the Contract with America. And, they had, I believe, an eight-point platform. One of their platforms was to remove the limitation on earnings for seniors receiving Social Security. Well, I've already described that the law was linking us

together, the blind and the seniors. And, Jim Bunning was chairman of the Social Security sub-committee of the House Ways and Means Committee. He was new as chairman that year because the Democrats got thrown out of the leadership positions of the House in 1994.

And so, Jim Bunning was Republican and he was switched from being a minority member on the Social Security sub-committee to the majority. And so, seeing this provision and figuring that the Social Security sub-committee was going to move forward with legislation to remove the earnings limit, Dr. Jernigan and I went to see Jim Bunning. Now, he very rarely went to Congressional appointments with me. I mean, I go back to the principle of, if I've got you, why do I need to do it myself? So, he normally did not do that, but in this case he did. And, I don't remember exactly what the circumstances were, but he wanted to do it and we did it. And, Jim Bunning sat there and absolutely told us, "No I'm not going to do that." Although, it took him about six years; he made good on that promise and he may have actually been over in the Senate by that time. But, his opposition ultimately broke the linkage.

Now, it didn't move us back to the situation we had of being linked up to disability. We still have an earnings limit, though and the seniors at retirement age don't. So, we weren't able to move forward with our objective there, but that's the only instance where I can remember a situation where somebody just flat out said I'm not going to do that to Dr. Jernigan.

Sasser: Did you ever interact with other disability organizations in your legislative activities, or did you primarily focus just on NFB?

Gashel: Well, no we did interact. In fact, a classic event now…understand that Dr. Jernigan was very focused on the blind and he did not feel that…well he thought everybody would be pulled back if we allowed our resources and our energies and our focus to shift to a broader focus on disability. It brings up lots of other issues that are not unique to blindness and just complicates matters significantly. And so, he was very careful about leaning toward a focus on we're an organization devoted to blind people. But, he was sensitive to, you know, broader disability concerns.

The classic example is in 1978…no, I guess it wasn't quite that late. [One of the best examples where Dr. Jernigan worked with people with disabilities, other than blindness, was around the White House Conference on Handicapped Individuals.] I think it occurred in 1977; it might have been as late as 1978. President Carter was in office, so it was right in that time frame. And, the thing was just horribly organized and it was all focused around the handicapped. And well, without going into all the details, it was just a terrible job of organizing anything. Dr. Jernigan said, "You know this cannot be." And so, he had some of the rest of us help out. He directed and chaired an alternative conference and we literally took the thing over; absolutely took the thing over. But, he chaired…we boycotted the regular meetings that they were having, and held our own White House Conference and produced a report that was published as part of the overall report of the conference. It

was called the Alternative Report and it was all kinds of disabilities. I mean, the blind were, you know, there were a few of us there for sure, but, I mean, Dr. Jernigan was chairing this thing just like it was an NFB group, except it was an all disabilities group and he had a wonderful…and the people just loved him and, you know, we just had a wonderful time with it. And, of course, for the rest of the conference we wore badges around, which he probably concocted the slogan, "I'm dissatisfied with this conference!" And, those got to be the slogan of the thing. And, the White House Conference, the major part of it was…it ran for like several days of a week and adjourned at its last meeting in absolutely total chaos and disarray. (Laughter)

2:15:00

Gashel: And, Dr. Jernigan was basically responsible for that; for blowing that thing up and creating this alternative conference which we had. I can't remember all the points now, but we had a ten-point plan of what needed to be done overall in the direction; in the field of disability. And, it was something that was readable, you know, printed on 20 sheets of paper or something like that. As opposed to what they were going to have, was 500 recommendations in a big, thick book, and nobody would ever be able to get their arms around it. I'm sure I haven't gone back and read the alternative report, but I will bet you if we did that you would see a lot of the things that were in our ten-point plan are now law. A lot of them became law in the Americans with Disabilities Act. It would be interesting to go back and do that, because I'm sure that most, if not all of those things

are in the Americans with Disabilities Act, and other things that have been enacted. But, that would have been a major one. But, over the years other things [as well]…

Sasser: I guess that's all the questions I had in particular to the legislative activities. I wonder if some time that maybe, you know, I have a particular interest in KNFB Reader, a project that you're working on, and then the past, sort of, working relationship between NFB and Kurzweil. Maybe we could set up another time, if you'd like; specifically to talk about that?

Gashel: Sure.

Sasser: That's all I have for my questions, then.

Mathis: Okay, well we really appreciate…you have no idea how much this is really helping me kind of figure some of these things out and answer some questions. So, again, I thank you and I appreciate the fact that it took a lot longer than what we anticipated to talk with us and…

Gashel: Well, you realize you've only scratched the surface.

Mathis: Yeah. (Laughter) It's really helped to kind of put a lot of what I guess I think that we've uncovered into perspective, and it helped me, at least, fill in a bunch of the gaps. So, we may have a couple of other questions we might want to shoot you an email or two or just ask you a question, but I think it gives us a long ways towards where we need to go. So, I really do appreciate it.

Sasser: And, I echo that; it was very helpful to me as well.

Gashel: Yeah, I mean, the overall thing that comes through to me in this whole discussion, and it's what I realize about Dr. Jernigan; that obviously working through the National Federation of the Blind, but leading the National Federation of the Blind and using Iowa as the springboard, that he created a revolution in the blindness field. And, if you had to attribute the origin of that revolution to any one individual, it would be Dr. Jernigan. He would say that his ideas came from people before him, which is true. We all live in a community, and so some of the, many of the ideas, didn't originate with him, but I think of Dr. Jernigan as more of an implementer and then the rest of us as carrying on. You know, we are still implementing the ideas that he originally started to implement in Iowa.

[And, I should also point out that three people who Dr. Jernigan trained and worked with over the years also went on to hold the top position in rehabilitation at the Federal level. These individuals are Nell Carney, Fred Schroeder, and Joanne Wilson. In fact, all of these people, all of whom were associated with Dr. Jernigan, served in a row as Commissioner of the Rehabilitation Services Administration in Washington beginning with Nell Carney in about 1990 and ending up with Joanne Wilson who was appointed by President George W. Bush in 2001 and later resigned toward the end of the first term of the Bush administration. But, my point is, Dr. Jernigan worked hard to train his colleagues in our movement to take leadership so our ideas could spread and continue to grown, and that is how his influence continues to live on today throughout the United States and around the world.]

Mathis: Well, again I really thank you. Shan, if you had anything else you wanted to add or ask about or?

Sasser: No. We will be doing a transcript of the call just to let you know that.

Gashel: Okay, sure.

Mathis: So, once again thank you. And, we may be in touch if we have any other…

Gashel: No problem at all!

Mathis: Okay. Well, again, thanks for taking so much time to talk with us.

Gashel: Sure, no problem. Thanks.

2:19:07
(End of Recording)

Beverly Tietz
5-26-11